

PLANNING COMMISSION REPORT



MEETING DATE: August 23, 2006

ITEM No. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Text Amendment on Aircraft - 4-TA-2006**

REQUEST Request to approve for a Text Amendment to the City of Scottsdale Zoning Ordinance (Ordinance 455) to amend Article III. Definitions. Section 3.100. General.; and to add language to the Use Regulations prohibiting aircraft take-offs and landings as an accessory use in residential districts in each of the following sections: Article V. District Regulations.; Section. 5.010. R1-190 Single-family Residential District.; Section. 5.100. R1-43 Single-family Residential district.; Section. 5.700. R-3 Medium Density Residential District.; Section. 5.800. R-4 Townhouse Residential District.; Section. 5.900. R-4R Resort/townhouse Residential District. Section. 5.1000. R-5 Multiple Family residential district and Section 5.2000. M-H Manufactured Home District.

Key Items for Consideration:

- Amendment would clarify that aircraft and helicopter take-offs and landings are not allowed in residentially-zoned districts.

Related Policies, References:

71-Z-82

APPLICANT CONTACT Don Hadder, Sr.
City of Scottsdale
480-312-2352

LOCATION City-wide

BACKGROUND The northern part of Scottsdale was annexed from Maricopa County into the city in the early to mid-80's. Prior to annexation by the city, Maricopa County had a use permit process that could allow for a helipad on an individual residential lot. Only two such use permits were approved by the County in the area that was annexed by the city.

In 1983, a text amendment was initiated by Planning Commission that would have allowed helicopter landings and take-offs on residentially-zoned properties with a conditional use permit. That text amendment was not approved by City Council.

Sporadically since then there have been property owners of larger parcels who have landed helicopters on their properties.

In October of 2003 the Board of Adjustment determined, through appeal of a Zoning Administrator's interpretation, that a helicopter landing and take-off in

a residentially-zoned property was not a valid accessory use for a residence.

Currently, the only places that helicopter landings and take-offs can occur are on the airport property as a use by-right, on property zoned I-1 with a conditional use permit, and as an accessory use to hospitals with a conditional use permit. There has been interest in making the ordinance perfectly clear on this issue, and this draft text amendment is intended to achieve this goal.

**APPLICANT'S
PROPOSAL****Key Issues.**

- Amendment would clarify that aircraft landings/take-offs are not allowed in residential properties.
- Amendment would assist in enforcement efforts against helicopter landings on residential properties.

**STAFF
RECOMMENDATION**

Approval.

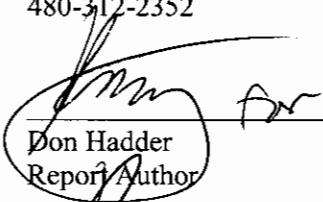
**RESPONSIBLE
DEPT(S)
STAFF CONTACT(S)**

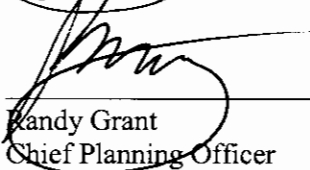
Planning and Development Services.

Randy Grant
Chief Planning Officer
480-312-7995

Donald Hadder, Sr.
Principal Planner
480-312-2352

APPROVED BY


Don Hadder
Report Author


Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Draft ordinance text
2. Citizen Involvement

Language for Text Amendment on Aircraft (4-TA-2006)
Changes shown in Bold Caps and Strike-throughs

ARTICLE V. DISTRICT REGULATIONS

Sec. 5.010. R1-190 single-family residential district.

Sec. 5.011. Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.012. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:

1. Accessory buildings, private swimming pools, home occupations and other accessory uses. **THE LANDING AND TAKING-OFF OF AIRCRAFT IS NOT A VAILID ACCESSORY USE IN RESIDENTIAL ZONES AND IS PROHIBITED.**
2. Adult care homes; subject to the following criteria:
 - a. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to thirty-five hundredths (0.35) multiplied by the net lot area.
 - b. Capacity: The maximum number of residents other than the manager or owner and/or day care clients at the home shall be ten (10).
 - c. Location: An adult care home shall not be located within seven hundred fifty (750) feet of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.
 - d. Compatibility: The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
3. Day care home.
4. Day care group home.
5. Dwelling units, single family.
6. Guest houses with cooking facilities, as an accessory use subject to the following criteria:
 - a. The minimum lot size shall be thirty-five thousand (35,000) square feet.
 - b. No more than one (1) per lot shall be permitted.
 - c. Parking shall be located behind the established front building line.
 - d. The square footage shall be no greater than one-half the square footage of the principal building.
7. Model homes.
8. Municipal uses.

- 8.1. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
9. Private tennis courts.
10. Public elementary and high schools.
11. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
12. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district:
- a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to two-tenths (0.2) multiplied by the net lot area.
 - c. Building height: Development Review Board may allow building heights, including, towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100 through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
 - d. Open space: In no case shall the open space requirement be less than twenty-four (24) percent of the total lot area for zero (0) to twenty (20) feet of total building height, plus four-tenths (0.4) percent of the total site for each foot of height above twenty (20) feet. All NAOS requirements of the district must be met and may be applied towards the overall open space requirement subject to compliance with NAOS standards.
 - e. Parking: Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified by the Scottsdale General Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s).
 - A minimum of fifteen (15) percent of all parking areas shall be landscaped.
 - A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts.
 - f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts.

There shall be a three-foot high landscaped berm along all street frontage where parking occurs.

- h. Access: All churches must have primary access to a street classified by the Scottsdale General Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. Operations: No outdoor activities shall be permitted after 10:00 p.m. No external speakers or paging systems.

B. *Uses subject to conditional use permit.*

1. Cemetery (see Section 1.403 for criteria).
2. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
3. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, etc.
4. Farms and ranches.
5. Golf course (except miniature golf course or commercial driving range).
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. *Private or charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, including, but not limited to, the following as well as those otherwise required in the district.
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to two-tenths (0.2) multiplied by the net lot area.
 - c. There shall be no outside speaker system or bells.
 - d. Open space: In no case shall the open space, including play area, be less than twenty-four (24) percent of the total lot area for zero (0) to twenty (20) feet of total building height, plus four-tenths (0.4) percent of the total site for each foot of height above twenty (20) feet. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.

- e. **Parking:** Parking shall be allowed in the front yard setbacks of the district for schools on streets classified by the Scottsdale General Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped in addition to open space in d. above as written in the R1-43 section d. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts.
 - f. **Lighting:** All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shall be setback a minimum of thirty (30)) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
 - g. **Screening:** There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts.
 - h. **Access:** All private and charter schools shall have frontage on a street classified by the Scottsdale General Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one time.
 - i. **Operations:** No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from any R1 district property line (including right-of-way width) or setback twenty-five (25) feet from any R2, R3, R4, R4-R, R5 or M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.
 - j. **Building design:** All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
 - k. **Circulation plan:** The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
9. **Public utility buildings, structures or appurtenances thereto for public service uses.**

10. Recreational uses (see section 1.403 for specific uses and development criteria for each).
(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 2493, § 1, 9-1-92; Ord. No. 2636, § 1, 2-15-94; Ord. No. 2683, 6-21-94; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03)

Sec. 5.100. R1-43 SINGLE-FAMILY RESIDENTIAL DISTRICT.

Sec. 5.101. Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.102. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Accessory buildings, private swimming pools, home occupations and other accessory uses. **THE LANDING AND TAKING-OFF OF AIRCRAFT IS NOT A VAILID ACCESSORY USE IN RESIDENTIAL ZONES AND IS PROHIBITED.**
2. Adult care homes; subject to the following criteria:
 - a. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to thirty-five hundredths (0.35) multiplied by the net lot area.
 - b. Capacity: The maximum number of residents other than the manager or owner and/or day care clients at the home shall be ten (10).
 - c. Location: An adult care home shall not be located within seven hundred fifty (750) feet of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.
 - d. Compatibility: The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
 - e. Parking: All parking for the owner and any employees shall be provided in off-street locations but in no case shall parking occupy more than three-tenths (0.3) of the required front yard.
3. Day care home.
4. Day care group home.
5. Dwelling units, single-family.
6. Guest houses with cooking facilities, as an accessory use subject to the following criteria:
 - a. The minimum lot size shall be thirty-five thousand (35,000) square feet.

- b. No more than one (1) per lot shall be permitted.
 - c. Parking shall be located behind the established front building line.
 - d. The square footage shall be no greater than one-half the square footage of the principal building.
- 7. Model homes.
- 8. Municipal uses.
- 8.1. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
- 9. Private tennis courts.
- 10. Public elementary and high schools.
- 11. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
- 12. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district:
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to two-tenths (0.2) multiplied by the net lot area.
 - c. Building height: Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes sections 7.100--7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
 - d. Open space: In no case shall the open space requirement be less than twenty-four (24) percent of the total lot area for zero (0) to twenty (20) feet of total building height, plus four-tenths (0.4) percent of the total site for each foot of height above twenty (20) feet. All NAOS requirements of the district must be met and may be applied towards the overall open space requirement subject to compliance with NAOS standards.
 - e. Parking: Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified by the Scottsdale General Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s).

A minimum of fifteen (15) percent of all parking areas shall be landscaped.

A ten-foot minimum landscape setback shall be provided where parking is adjacent to residential districts.

- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.
All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts.

There shall be a three-foot high landscaped berm along all street frontage where parking occurs.

- h. Access: All churches must have primary access to a street classified by the Scottsdale General Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. Operations: No outdoor activities shall be permitted after 10:00 p.m.
No external speakers or paging systems.

B. *Uses subject to conditional use permit.*

1. Cemetery (see section 1.403 for criteria).
2. Community buildings and recreational facilities not publicly owned, such as: Athletic fields, boys' clubs, etc.
3. Farms.
4. Golf course (except miniature golf course or commercial driving range).
5. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. Private or charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards, including, but not limited to, the following as well as those otherwise required in the district.
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to two-tenths (0.2) multiplied by the net lot area.
 - c. There shall be no outside speaker system or bells.
 - d. Open space: In no case shall the open space, including play area, be less than twenty-four (24) percent of the total lot area for zero (0) to

twenty (20) feet of total building height, plus four-tenths (0.4) percent of the total site for each foot of height above twenty (20) feet. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.

- e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified by the Scottsdale General Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas in addition to open space in d. above shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts.
- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts.
- h. Access: All private and charter schools shall have frontage on a street classified by the Scottsdale General Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one time.
- i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from any R1 district property line (including right-of-way width) or setback twenty-five (25) feet from any R2, R3, R4, R4-R, R5 or M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.
- j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
- k. Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and

bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

9. Public utility buildings, structures or appurtenances thereto for public service uses.

10. Recreational uses including commercial stables, ranches and tennis clubs (see section 1.403 for specific uses and development criteria for each).

(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2431, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 2636, § 1, 2-15-94; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03)

Sec. 5.700. (R-3) MEDIUM DENSITY RESIDENTIAL DISTRICT.

Sec. 5.701. Purpose.

This district is intended to fulfill the need for medium density residential development. The property development standards are designed to allow maximum flexibility while maintaining an environment compatible with single-family neighborhoods. This district will generally serve as an integral part of the neighborhood, allowing for a variety of housing types.

Sec. 5.702. Approvals required.

No structure or building shall be built or remodeled upon land in the R-3 district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

(Ord. No. 3225, § 1, 5-4-99)

Sec. 5.703. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Day care home.
2. Dwelling unit(s).
3. Accessory buildings; swimming pool, private home occupations and other accessory uses. **THE LANDING AND TAKING-OFF OF AIRCRAFT IS NOT A VAILID ACCESSORY USE IN RESIDENTIAL ZONES AND IS PROHIBITED.**
4. Temporary buildings for uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.
5. Model dwelling units.
6. Municipal uses.
- 6.1. Wireless communications facilities; types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

B. *Uses permitted by conditional use permit.*

1. Wireless communications facilities; type 4, subject to requirements of sections 1.400, 3.100 and 7.200.

(Ord. No. 2430, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 2510, § 1, 11-17-92; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03)

Sec. 5.704. Property development standards.

The following property development standards shall apply to all land and buildings in the R-3 district:

A. *Open space requirements.* A minimum of thirty-six (36) percent of the net lot area shall be provided in meaningful open space, in the following proportions:

1. A minimum of twelve (12) percent of the net lot area shall be provided as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage and shall not be less than twenty (20) square feet per one (1) foot of public street frontage.
2. A private outdoor living space shall be provided adjoining each dwelling unit equal to a minimum of ten (10) percent of the gross size of the dwelling unit, except that dwelling units above the first story shall provide such space equal to a minimum of five (5) percent of the gross size of the dwelling unit.
3. The remainder of the required open space shall be provided in common open space.

B. *Building height.*

1. No building shall exceed thirty (30) feet in height except as otherwise provided in article VII.
2. If the R-3 development abuts a single-family residential district or an alley abutting a single-family residential district, the building height may be limited to one (1) story as determined by Development Review Board approval.

C. *Density.* The minimum gross land area per dwelling unit shall be three thousand three hundred seventy (3,370) square feet.

D. *Building setback.*

1. Wherever an R-3 development abuts an R-1, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained, except that accessory buildings for purpose of storage or carports may be constructed to within fifteen (15) feet of the adjacent district boundary line.
2. Whenever an R-3 development abuts any district other than R-1, R-2, R-4, R-4R or M-H or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth. Larger yards may be required by the Development Review [Board] or City Council if the existing or future development of the area around the site warrants such larger yards.

E. *Distance between buildings.* There shall be not less than ten (10) feet between an accessory building and the main building or between two (2) main buildings, except that an accessory building with two (2) or more open sides, one (1) of which is adjacent to the main building, may be built to within six (6) feet of the main building.

F. *Walls, fences and required screening.*

1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height, or except as otherwise provided in article VII.
2. All parking areas shall be screened from view from all public streets.
3. All mechanical structures and appurtenances shall be screened as approved by the Development Review Board.
4. All storage and refuse areas shall be screened as determined by the Development Review Board.

G. *Access.* All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Development Review Board.

(Ord. No. 1922, § 1, 11-4-86; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2818, § 1, 10-17-95)

Sec. 5.705. Off-street parking.

The provisions of article IX shall apply.

Sec. 5.706. Signs.

The provisions of article VIII shall apply.

Sec. 5.800. (R-4) TOWNHOUSE RESIDENTIAL DISTRICT.

Sec. 5.801. Purpose.

This district is intended to provide for relatively low density development having individual ownership and built-in privacy either in the form of part wall construction or enclosed yards and courts.

Sec. 5.802. Approvals required.

A. No structure or building shall be built or remodeled upon land in the R-4 district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

(Ord. No. 3225, § 1, 5-4-99)

B. *Tentative plan at time of rezoning.*

1. The Planning Commission or City Council may require any application for rezoning to townhouse residential district to be accompanied by a tentative overall development plan which shall show the following:
 - a. Topography.
 - b. Proposed street system.
 - c. Proposed block layouts.
 - d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
 - e. Off-street parking space.
 - f. Types of dwelling and portions of the area proposed therefor.
 - g. Locations of dwellings, garages and/or parking spaces.
 - h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed dwelling types.

- i. A tabulation of overall density per gross acres.
 - j. Preliminary plans and elevations of the several dwelling types.
- 2. The approved development review plan must substantially conform to the plan submitted at the time of rezoning.

Sec. 5.803. Use regulations.

A. *Permitted uses.* Building, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

- 1. Single-family dwelling having either party walls or walled courtyards.
- 2. Accessory buildings and uses customarily incident to the permitted uses, including private garage, home occupations, swimming pools and recreation buildings. **THE LANDING AND TAKING-OFF OF AIRCRAFT IS NOT A VAILID ACCESSORY USE IN RESIDENTIAL ZONES AND IS PROHIBITED.**
- 3. Municipal uses.
 - 3.1. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
- 4. Temporary sales office buildings and model homes.
- 5. Churches and places of worship.
- 6. Day care home.

B. *Permitted uses by conditional use permit.*

- 1. Wireless communications facilities; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200.
(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3493, § 1, 3-4-03)

Sec. 5.900. (R-4R) RESORT/TOWNHOUSE RESIDENTIAL DISTRICT.

Sec. 5.901. Purpose.

This district is intended primarily for self-contained accommodations which include recreational amenities and services customarily furnished at hotels, including the service of meals. Additionally, the district provides for residential development having either party walls or walled courtyards.
(Ord. No. 3069, § 1, 9-16-97)

Sec. 5.902. Approvals required.

A. No structure or building shall be built or remodeled upon land in the R-4R district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

B. *Tentative plan at time of rezoning.*

- 1. The Planning Commission or City Council may require any application for rezoning to resort district to be accompanied by a tentative overall development plan which shall show the following:
 - a. Topography.
 - b. Proposed street system.
 - c. Proposed block layouts.

- d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
 - e. Off-street parking space.
 - f. Types of buildings and portions of the area proposed therefor.
 - g. Locations of buildings, garages and/or parking spaces.
 - h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed building types.
 - i. A tabulation of overall density per gross acres.
 - j. Preliminary plans and elevations of proposed major buildings and any proposed dwelling types.
2. The approved development review plan must substantially conform to the plan submitted at the time of rezoning.
- (Ord. No. 3225, § 1, 5-4-99)

Sec. 5.903. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

- 1. Resorts.
- 2. Hotels.
- 3. Motels.
- 4. Guest ranches.
- 5. Commercial uses appurtenant thereto, such as restaurants, cocktail lounges, small retail shops; provided that the entrance to any such appurtenant use shall be from the lobby, arcade or interior patio.
- 6. Dwelling units having either party walls or walled courtyards made available for rent, lease or sale.
- 7. Accessory buildings and uses customarily incidental to the permitted uses, including private garage, home occupations, swimming pool, recreation buildings and walled driveway entrance. **THE LANDING AND TAKING-OFF OF AIRCRAFT IS NOT A VAILID ACCESSORY USE IN RESIDENTIAL ZONES AND IS PROHIBITED.**
- 8. Municipal uses.
- 8.1. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
- 9. Timeshare project.
- 10. Churches and places of worship.
- 11. Day care home.

B. *Permitted uses by conditional use permit.*

- 1. Golf courses.
- 2. Wireless communications facilities; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200.
- 3. Recreational uses (see section 1.403 for specific uses and development criteria for each).

(Ord. No. 2323, § 1, 12-4-90; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2571, § 1, 6-15-93; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03)

Sec. 5.1000. (R-5) MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

Sec. 5.1001. Purpose.

This district is intended to provide for development of multiple-family residential and allows a high density of population with a proportional increase in amenities as the density rises. The district is basically residential in character and promotes a high quality environment through aesthetically oriented property development standards.

Sec. 5.1002. Approvals required.

No structure or building shall be built or remodeled upon land in the R-5 district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

(Ord. No. 3225, § 1, 5-4-99)

Sec. 5.1003. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Accessory buildings; swimming pool, private; home occupations; and other accessory uses. **THE LANDING AND TAKING-OFF OF AIRCRAFT IS NOT A VAILID ACCESSORY USE IN RESIDENTIAL ZONES AND IS PROHIBITED.**
2. Boardinghouse or lodginghouse.
3. Day care home.
4. Dwelling, single-family detached.
5. Dwelling, multiple family.
6. Municipal uses.
- 6.1. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
7. School: Public, elementary and high.
8. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work.
9. Temporary sales office buildings and model homes.
10. Churches and places of worship.

B. *Uses permitted by conditional use permit.*

1. Commercial and/or ham transmitting or receiving radio and television antennas in excess of seventy (70) feet.
2. Recreational uses (see section 1.403 for specific uses and development criteria for each).
3. Community buildings or recreational fields not publicly owned. Convent.
4. Convent.
5. Day care center (see section 1.403 for criteria).
6. Golf course (except miniature course or practice driving tee operated for commercial purposes), including clubhouse and service facilities which are intended to primarily serve golf course uses and are so located within the golf course that the development is self-contained and would provide whatever degree of buffer is necessary to adjacent property.
7. Hotel, motel, and timeshare project of not less than ten (10) units and commercial uses appurtenant thereto, such as restaurant, cocktail lounges, gift shops, newsstand, smoke shops, barbershops, beauty parlors and small retail shops, provided the entrance of such use shall be from the interior of the building, lobby, arcade or interior patio.
8. Orphanage.

9. Wireless communications facilities; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200.
10. Plant nursery; provided, however, that all materials (other than plant materials) shall be screened from view by a solid fence or wall at least six (6) feet in height, and further that a completely enclosed building having a minimum floor area of five hundred (500) square feet shall be provided.
11. Private club, fraternity, sorority and lodges.
12. Private lake, semi-public lake, swimming pools, tennis courts.
13. Private or charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district.
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to two-tenths (0.2) multiplied by the net lot area.
 - c. There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
 - d. Open space: In no case shall the open space be less than twenty-four (24) percent of the total lot area for zero (0) to twenty (20) feet of total building height, plus four-tenths (0.4) percent of the total site for each foot of height above twenty (20) feet. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
 - e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified by the Scottsdale General Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts.
 - f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
 - g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts.
 - h. Access: All private and charter schools shall have frontage on a street classified by the Scottsdale General Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be

provided that accommodates a minimum of five (5) cars at one (1) time.

- i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. No playground or outdoor activity area shall be located within fifty (50) feet of any R1 district or within twenty-five (25) feet of any R2, R3, R4, R4-R, R5 or M-H district. All playgrounds and outdoor activity areas shall be screened from any residential district by a minimum six-foot high screen wall.
- j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.

14. Public buildings other than hospitals.

15. Public utility buildings, structures or appurtenances thereto for public service uses.

16. Residential health care facility (see section 1.403 for criteria).

(Ord. No. 2266, § 1, 11-21-89; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03)

Sec. 5.2000. (M-H) MANUFACTURED HOME DISTRICT.

Sec. 5.2001. Purpose.

This district is intended to provide for the development of manufactured home parks at standards consistent with the health, safety and welfare of the community. Further, it is intended that, by the criteria set forth in this section said development will better the existing environment.

Sec. 5.2002. Approvals required.

No structure or building shall be built or remodeled upon land in the M-H district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

(Ord. No. 3225, § 1, 5-4-99)

Sec. 5.2003. Use regulations.

A. Permitted uses.

1. Installation of residential trailers and manufactured homes.
2. Accessory buildings, swimming pools, home occupations and recreation buildings. **THE LANDING AND TAKING-OFF OF AIRCRAFT IS NOT A VAILD ACCESSORY USE IN RESIDENTIAL ZONES AND IS PROHIBITED.**
3. Municipal uses.
4. Single-family dwelling units.
5. Public elementary, middle and high schools.
6. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
7. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the district:

- a. *Lot area.* The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. *Floor area ratio.* In no case shall the gross floor area of the structure(s) exceed an amount equal to two-tenths (0.2) multiplied by the net lot area.
 - c. *Building height.* Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes sections 7.100 through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
 - d. *Open space.* In no case shall the open space requirement be less than twenty-four (24) percent of the total lot area for zero (0) to twenty (20) feet of total building height, plus four-tenths (0.4) percent of the total site for each foot of height above twenty (20) feet. All NAOS requirements of the district must be met and may be applied towards the overall open space requirement subject to compliance with NAOS standards.
 - e. *Parking.* Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified by the Scottsdale General Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s).
A ten-foot minimum landscape setback shall be provided where parking is adjacent to residential districts.
 - f. *Lighting.* All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.
All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.
 - g. *Screening.* There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts.
There shall be a three-foot high landscaped berm along all street frontage where parking occurs.
 - h. *Access.* All churches must have primary access to a street classified by the Scottsdale General Plan as a minor collector or greater.
Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.
 - i. *Operations.* No outdoor activities shall be permitted after 10:00 p.m. No external speakers or paging systems.
8. Day care group home.
 9. Day care home.
 10. Wireless communications facilities; types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

B. *Uses subject to a conditional use permit.*

1. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boy's clubs, etc.
 2. Wireless communications facilities; type 4, subject to requirements of sections 1.400, 3.100 and 7.200.
 3. Public utility buildings, structures or appurtenances thereto for public service uses.
 4. Recreational uses including tennis clubs (see section 1.403 for specific uses and development criteria for each).
- (Ord. No. 2430, § 1, 1-21-92; Ord. No. 2799, § 1, 6-5-95; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03)



Seeking Community Input

ON PROPOSED REVISIONS TO THE CITY OF SCOTTSDALE ZONING ORDINANCE

The city of Scottsdale is hosting two open houses on June 19 and June 21 to provide information and solicit input on several proposed changes to the city's Zoning Ordinance (the same information will be provided at both meetings):

Monday, June 19, 2006

5:30 to 7 p.m., Community Design Studio, 7506 E. Indian School Rd.

Wednesday, June 21, 2006

5:30 to 7 p.m., Scottsdale Water Campus, 8787 E. Hualapai

You are cordially invited to learn more about six proposed zoning ordinance amendments that relate to a variety of issues including minor modifications to the Environmentally Sensitive Lands Ordinance (ESL) -- the zoning overlay that regulates the northern 2/3rds of Scottsdale; proposed regulations related to spacing between private and charter schools in large lot residential districts; prohibiting aircraft in residential districts; and considerations for restrictions on non-residential uses in residential districts.

- Private/Charter school spacing in large lot residential districts (1-TA-2006);
- Side Yard setbacks for properties zoned ESL (2-TA-2006);
- Prohibition of aircraft in residential districts (4-TA-2006);
- Restrictions on non-residential uses in residential districts (5-TA-2006);
- Minor amendments to the ESL ordinance (6-TA-2006); and
- Zoning ordinance definitions clarification (7-TA-2006)

The Planning Commission will review these proposed amendments at a future public hearing and then their recommendation will be forwarded to the City Council. City Council review will occur in the fall of 2006.

City representatives will be available to provide information and respond to questions. Project fact sheets for the proposed text amendments are available on the city's web site at: <http://www.scottsdaleaz.gov/projects/OpenHouse/2006/June/06-19-06.asp>



OPEN HOUSE INVITATION

Site Location:

City-wide and the ESL area

Project Name:

Proposed Text Amendments

Project Number:

1-TA-2006, 2-TA-2006,
4-TA-2006,
5-TA-2006, 6-TA-2006 &
7-TA-2006

Dear Interested Parties:

You are invited to attend a community open house regarding the following proposed amendments to the Zoning Ordinance:

- 1) Private/Charter school spacing;
- 2) Side Yard setbacks for properties zoned ESL;
- 4) Prohibition of aircraft in residential districts;
- 5) Restrict non-residential uses in large lot residential districts
- 6) Minor amendments to the ESL ordinance
- 7) Minor changes to Zoning Definitions

Open House Dates: June 19th and June 21st

Time: 5:30 pm to 7:00 pm

Location: June 19th Community Design Studio
7506 E. Indian School Road
June 21st City's Water Campus
8787 E. Hualapai Drive

For more information, call **480-312-4214** or logon to:
www.scottsdaleaz.gov

The project file may be viewed at Planning and Development Services, 7447 E Indian School Road, Suite 105

COMMENT CARD

Zoning Ordinance Amendments Open House
Monday June 19, 2006
Community Design Studio, 7506 E. Indian School Rd.

Please reference specific text amendment that input is related to, i.e. 1-TA-2006 or by topic

If Scottsdale wants to restrict the Landing and Taking off of Helicopters from residential property it is necessary that the amendment "not" use the term "aircraft" ~~they must~~ because aircraft includes all flying vehicles, i.e. balloons, etc. If the amendments restrict aircraft in residential areas, it could preclude someone from restoring an airplane ^{or building a "homebuilt"} in his backyard or carport.

Name: James L. Munier Address: 4719 N 69th St E-mail: _____
Scottsdale AZ 85251

COMMENT CARD TEXT AMENDMENT

4-TA-2006

Name: Inte Vairo

Comment:

I am against
helicopters
landing in
neighborhoods.